

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

*In Re* Flint Water Cases

No. 5:16-cv-10444-JEL-MKM

HON. JUDITH E. LEVY

MAG. MONA K. MAJZOUB

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**STATE DEFENDANTS' RESPONSE TO PLAINTIFFS'  
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

Although it appears that the motion to compel is principally directed to the criminal side of the conflict wall erected in the Department of Attorney General and the MDEQ Defendants, State Defendants briefly correct some of the misstatements and mischaracterizations made in that motion as follows:

1. State Defendant Rick Snyder has not been interviewed in the course of the criminal investigation into the Flint Water Crisis. State Defendant Andy Dillon has been interviewed, but he does not have a copy of the transcript.

2. None of the assistant attorneys general representing the State Defendants—Richard Kuhl, Margaret Bettenhausen, Nathan Gambill, and Charles Cavanagh—have participated in or defended any

current or former state employee in an interview conducted by the criminal prosecutors.

3 A former assistant attorney general, Margaret Nelson, did appear on behalf of a few state employees that were being interviewed by the former Office of Special Counsel. Ms. Nelson did not receive and does not possess transcripts from any of those interviews.

4. The assistant attorneys general representing the State Defendants do not have possession of or access to any interview transcripts or investigative materials relating to any current or former state employee (except for the transcript of Richard Baird, which was recently downloaded from the Detroit Metro website).

5. The assistant attorneys general representing the State Defendants did not obtain any interview transcripts or investigative materials from Noah Hall nor any other member of the former Office of Special Counsel when the assistant attorneys general assumed responsibility for the *parens patrie* lawsuit. At the time of the transition, the *parens patrie* lawsuit had not proceeded any further than the filing of the publicly available civil complaints.

6. Counsel for the State Defendants previously entered into a common interest agreement with counsel for the MDEQ Defendants. It is not a “joint prosecution agreement” and no counsel is required to share information under that agreement. Counsel for State Defendants have not asked for and, to their knowledge, have not received any interview transcripts or investigative materials from counsel for the MDEQ Defendants.

Respectfully submitted,

/s/ Richard S. Kuhl

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Dated: May 13, 2020

## CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2020, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

Respectfully submitted,

/s/ Richard S. Kuhl

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